

REFERENCE TITLE: electrical districts; electors; acreage voting

State of Arizona
House of Representatives
Forty-seventh Legislature
Second Regular Session
2006

HB 2790

Introduced by
Representative Chase

AN ACT

AMENDING SECTIONS 48-1713 AND 48-1742, ARIZONA REVISED STATUTES; RELATING TO ELECTRICAL DISTRICT ELECTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 48-1713, Arizona Revised Statutes, is amended to
3 read:

4 48-1713. Qualifications of electors; acreage voting

5 A. Persons qualified to vote at an election held under this chapter,
6 except as otherwise specially provided, shall be the property taxpayers of
7 the district who are qualified electors of the state and of the district.

8 B. THE BONA FIDE OWNERS OF REAL PROPERTY THAT IS USED FOR COMMERCIAL
9 AGRICULTURAL PRODUCTION AND THAT IS OR MAY BE BENEFICIALLY SERVED BY A
10 DISTRICT MAY PETITION THE BOARD OF DIRECTORS TO ADOPT AN ACREAGE SYSTEM OF
11 VOTING IN THE DISTRICT. THE PETITION MUST BE DATED AND SIGNED PERSONALLY BY
12 THE PETITIONERS, REPRESENTING THE ACREAGE IN THE DISTRICT THAT EACH
13 PETITIONER OWNS, AND FILED WITH THE SECRETARY OF THE BOARD OF DIRECTORS. IF
14 THE BOARD DETERMINES THAT THE PETITIONERS OWN AT LEAST FIFTY-ONE PER CENT OF
15 THE TOTAL ACREAGE OF COMMERCIAL AGRICULTURAL LAND IN THE DISTRICT, THE BOARD
16 MAY ADOPT A RESOLUTION CHANGING THE MANNER OF VOTING IN THE DISTRICT TO AN
17 ACREAGE SYSTEM OF VOTING. THEREAFTER, ALL DISTRICT ELECTIONS SHALL BE HELD
18 AND CONDUCTED ON THE ACREAGE SYSTEM.

19 C. UNDER AN ACREAGE SYSTEM OF VOTING, EACH BONA FIDE OWNER OF REAL
20 PROPERTY THAT IS USED FOR COMMERCIAL AGRICULTURAL PRODUCTION IN THE DISTRICT
21 IS AN ELECTOR OF THE DISTRICT AND ENTITLED TO ONE VOTE FOR EACH ACRE OF SUCH
22 LAND, BUT NOT EXCEEDING ONE THOUSAND TWO HUNDRED EIGHTY VOTES. IF TITLE TO
23 REAL PROPERTY IS OWNED BY MORE THAN ONE PERSON, EACH OWNER MAY VOTE THE
24 PROPORTIONAL FRACTIONAL SHARE ACCORDING TO THE OWNERSHIP INTEREST IN THE
25 PROPERTY. EXCEPT AS OTHERWISE REQUIRED, THE DISTRICT SHALL CONDUCT ELECTIONS
26 UNDER THE ACREAGE SYSTEM OF VOTING SUBSTANTIALLY IN THE MANNER PRESCRIBED BY
27 CHAPTER 19, ARTICLE 5 OF THIS TITLE.

28 D. FOR THE PURPOSES OF THIS SECTION, OWNERSHIP INCLUDES:

29 1. TITLE TO THE PROPERTY THAT IS RECORDED AT LEAST NINETY DAYS BEFORE
30 THE ELECTION.

31 2. BONA FIDE CONTRACTS OF PURCHASE THAT ARE RECORDED AT LEAST NINETY
32 DAYS BEFORE THE DATE OF THE ELECTION AND THAT GIVE THE PURCHASER POSSESSION
33 OF THE PROPERTY AND RESPONSIBILITY FOR PAYING TAXES AND ASSESSMENTS ON THE
34 PROPERTY.

35 Sec. 2. Section 48-1742, Arizona Revised Statutes, is amended to read:

36 48-1742. Annual election of directors; notice; qualifications
of directors; voting place; expenses

37 A. The annual election of directors shall be held on the second
38 Saturday in January of each year.

39 B. Ten days' notice of the election shall be given by posting notices
40 ~~thereof~~ in the manner provided by section 48-1704, and not less than three
41 notices shall be posted in different public places in each county in which
42 any part of the district is located.

1 C. Persons qualified to hold the office of director or vote at ~~the AN~~
2 election ~~therefor~~ shall be freeholders of the district, and election
3 precinct, if any, and shall possess all the qualifications required of
4 electors under the general election laws ~~AND SECTION 48-1713~~, except as to
5 residence within a particular county or precinct. A freeholder is any person
6 who owns real property within the district which is, or may be, beneficially
7 served by the district.

8 D. The board of directors shall determine the place or places of
9 voting and ~~should IF~~ more than one place of voting ~~be IS~~ designated, the
10 board shall divide the district into election precincts, which may be changed
11 from time to time. When such precincts are changed within ninety days before
12 any election, the notice of the next election shall contain an accurate
13 description of the precincts as changed.

14 E. The election expenses shall be paid by the district.